



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

September 8, 2022

BY ECF

Hon. Edgardo Ramos
United States District Judge
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *ACLU et al. v. Customs and Border Protection et al.*, 21 Civ. 10430 (ER)

Dear Judge Ramos:

This Office represents the defendant agencies in the above-referenced action brought under the Freedom of Information Act. Pursuant to the Court's order, I write respectfully to provide the Court with an updated status report regarding the agencies' outstanding searches and productions in this case, some of which have been delayed from the agencies' original estimates.

Customs and Border Protection: made productions on July 21 and August 31, 2022; CBP has located additional responsive records and is processing those, while continuing to search for additional responsive records. CBP is currently finalizing the number of potentially responsive pages that remain to be processed. CBP will provide this number to the court in or before the next status update. Plaintiffs note that the first production consisted of merely 5 pages, and the second consisted of merely 3 pages (almost entirely redacted). Plaintiffs further note that they have requested information regarding the scope and timeline of CBP's searches and remaining productions since before the first monthly status update in May 2022. Despite repeated requests, CBP has provided little information outside of the two minimal productions described herein. Plaintiffs advise that, absent further significant information and progress from CBP by the next scheduled status update, they may need to seek to compel a processing schedule from the Court as to CBP.

Immigration and Customs Enforcement: made productions on June 9, July 11, and August 10, 2022, and has now completed its production.

U.S. Secret Service: has completed its searches; previously expected to make its final production by the end of August, but now estimates that it will be done in the next two weeks.

Federal Bureau of Investigation: produced one policy document on June 21 and has since completed its searches; FBI is still in the process of getting access to and organizing the documents located in its searches and having preliminary

discussions about them with relevant components, and expects to be able to propose a processing schedule in the next few weeks.

Drug Enforcement Administration: made its single and final production on August 31, 2022.

U.S. Marshals Service: made its initial production on July 15, 2022; USMS previously estimated it will complete its productions by the end of August, but now estimates it will make a second production by the end of September and a third and final production by the end of October.

The parties will make their next monthly status report on October 11, 2022. We thank the Court for its consideration of this matter.

Respectfully,

DAMIAN WILLIAMS
United States Attorney

By: s/ Lucas Issacharoff
JEAN-DAVID BARNEA
LUCAS ISSACHAROFF
Assistant United States Attorneys
Telephone: (212) 637-2679/2737
Email: Jean-David.Barnea@usdoj.gov
Lucas.Issacharoff@usdoj.gov

cc: Counsel for plaintiffs (by ECF)